

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

JASON R. GABLE  
Plaintiff(s)

vs.

Case Number: 12-CV-047-CVE-PJC

MSC WATERWORKS COMPANY, INC.  
Defendant(s)

JOINT STATUS REPORT

Jury Demanded: ☒ Yes ☐ No

I. Summary of Claims: Breach of contract, fraudulent inducement in hiring process.

A. Claims to be Dismissed: None.

II. Summary of Defenses: Defendant denies Plaintiff's claims. Plaintiff was an at-will employee. Defendant acted in good faith and on the basis of reasonable and legitimate business purposes. Plaintiff's own acts or omission caused or contributed to any alleged injury. Defendant's Answer and Affirmative Defenses are not yet due to be filed. Defendant reserves the right to present any and all defenses at an appropriate time in accordance with the Federal Rules of Civil Procedure.

A. Defenses to be Abandoned: None.

III. Motions Pending (Include Docket Number, Description and Date at Issue): Plaintiff's Motion for Remand and Defendant's Motion to Dismiss

IV. Stipulations:

A. Jurisdiction Admitted: ☐ Yes ☒ No (If no, explain.)

Please see Plaintiff's Motion for Remand

B. Venue Appropriate: ☒ Yes ☐ No (If no, explain.)

C. Facts: No facts are stipulated at this time.

D. Law: Common Law

## V. Proposed Deadlines:

- A. Parties to be added by: Not applicable.
- B. Proposed discovery cutoff date (4 months of discovery unless extended by the court for good cause):  
13 July 2012
- C. Fact witness lists to be exchanged by: 30 March 2012
- D. Proposed Date for Expert Reports by Plaintiff and Defendant: None expected

## VI. Fed. R. Civ. P. 26(f) Discovery Plan

- A. Should any changes be made to the timing, form or requirements for disclosures under Rule 26(a)? ☐ Yes ☒ No

If yes, please explain:

- B. When were or will initial disclosures under Rule 26(a)(1) be made? 28 March 2012

Note that pursuant to Rule 26(a)(1), initial disclosures must be made within 14 days after you confer for the purpose of preparing this discovery plan. All parties are under an affirmative duty to (i) comply with the mandatory disclosure requirements, and (ii) notify the Court of any non-disclosure so that the issue can be promptly referred to a Magistrate Judge for resolution. Failure of any party to disclose information, or failure of any party to bring disclosure issues to the Court's attention in a timely manner, may result in sanctions, including prohibiting the use of that information at trial, pursuant to Rule 37(c)(1).

- C. Should discovery be conducted in phases and/or should discovery be limited at this time to particular subject matters or issues? ☐ Yes ☒ No
- D. Should any changes be made in the limitations on discovery imposed by the Federal Rules of Civil Procedure or the Court's local rules? ☐ Yes ☒ No

If yes, please explain:

- E. Proposed Number of fact and expert depositions:

1. To be allowed for Plaintiff? Five
2. To be allowed for Defendant? Five

- F. Is there a need for any other special discovery management orders by the Court?

☐ Yes ☒ No

If yes, please explain:

- G. The parties are directed to Guidelines for Discovery of Electronically Stored Information on the public website at [www.oknd.uscourts.gov](http://www.oknd.uscourts.gov) for advise on the production of electronic information.

- VII. Are Dispositive Motions Anticipated? ☒ Yes ☐ No If yes, describe them.  
Defendant expects the undisputed material facts will show it is entitled to judgment as a matter of law.

- VIII. Do All Parties Consent to Trial before the Assigned Magistrate Judge? ☐ Yes ☒ No

If yes, please email a proposed Trial Consent to the Clerk via the designated mailbox at CM-ECFIntake\_OKND@oknd.uscourts.gov and indicate the month and year in which trial by the Magistrate Judge is Requested. Please do not file proposed documents as an attachment to a document. (Refer to section XIV of the CM/ECF Administrative Guide of Policies and Procedures for further instruction regarding proposed documents.)

- IX. Is there any matter that should be referred to the assigned Magistrate Judge for final disposition upon partial consent of all the parties pursuant to Local Rule 73.1? ☐ Yes ☒ No

If yes, please email a completed, proposed Partial Consent form to the Clerk via the designated mailbox at CM-ECFIntake\_OKND@oknd.uscourts.gov. Please do not file proposed documents as an attachment to a document. (Refer to section XIV of the CM/ECF Administrative Guide of Policies and Procedures for further instruction regarding proposed documents.)

- X. Settlement Plan (Check one)

☒ Settlement Conference Requested after: 1 June 2012

Describe settlement judge expertise required, if any:

☐ Private Mediation Scheduled in (date): \_\_\_\_\_

☐ Other ADR  
(Explain)

☐ ADR is not appropriate in this case  
(Explain)

Has a copy of the Court's ADR booklet been provided to clients as required?

Plaintiffs: ☒ Yes ☐ No

Defendants: ☒ Yes ☐ No

- XII. Does this case warrant special case management? ☐ Yes ☒ No

If yes, explain why.

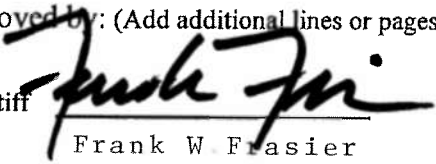
- XIII. Do the parties request that the Court hold a scheduling conference? ☐ Yes ☒ No

If a conference is not requested, or ordered by the Court, the Court will, after receiving this report, issue a scheduling order based on the information contained in this report.

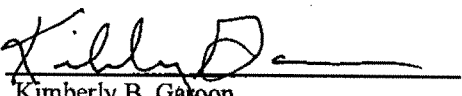
- XIV. Estimated trial time: 2 days

Read and Approved by: (Add additional lines or pages as needed)

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